

ILLEGIB

Approved For Release 2005/06/29 : CIA-RDP71B00364R000600030034-2

Next 1 Page(s) In Document Exempt

Approved For Release 2005/06/29 : CIA-RDP71B00364R000600030034-2

14 December 1955

MEMORANDUM FOR: Inspector General

FROM : Messrs. Amory and Gundy

SUBJECT : Proposed Memorandum to the Executive Secretary  
of the NSC on a Joint Committee on Foreign Intelligence

STAT

1. We believe that the proposed memorandum should be substantially reorganized in order to place proper emphasis on the fundamental objections to the creation of such a Committee.

2. Paragraphs 2e. through j. inclusive should be covered in an annex.

3. Paragraph 3 should be rewritten as follows:

3. The Present Congressional Review Mechanism and Its Adequacy.  
[Here include the material in paragraphs 3f. and g. but clarify the distinction between the budgetary review of the Appropriations Committees and the more general review of the Armed Services Committees. Lay more stress on the Senate Armed Services Subcommittee.]

4. Desirability of Additional Congressional Review of Non-Intelligence Activities.

a. It is not clear whether S. 2614 would authorize the Joint Committee to look into the operational activities of CIA. The "Mission" refers to "intelligence activities," although the bill apparently also states that the Director would report to the Committee on "all" activities of CIA.

b. It is perhaps not generally understood in the Congress that CIA does not set policy, but carries on its operational activities only in accordance with policy set by the State Department and ultimately (in key cases, explicitly) by the President. Hence, if non-intelligence, or operational, activities are meant to be included in the Joint Committee's charter, it would become necessary for the Committee to know the policy basis for each activity, and the State Department would be immediately and directly involved -- and in crucial cases the White House itself. Although it is clear that the Congress is entitled to know generally what is being done in this field (as the Armed Services and Appropriations Subcommittees do know under present procedures), anything further would raise serious questions of unwise, and perhaps actually improper, participation by the legislative branch in the executive mission of carrying out foreign policy.

c. CIA's operational activities are supervised with care both within the Executive Branch and at appropriate intervals by carefully selected groups of outside eminent citizens. The Director reports on these activities quarterly to the NSC, and at more frequent intervals to the OCB, in addition to routine liaison with State, Defense, USA, and other interested agencies. Any chance that CIA will get "out of line" with existing policy is thus negligible. Moreover, the President has in the past repeatedly designated outside groups, most recently that headed by General Doolittle, to look into CIA's operational activities in detail. Such a group can operate more securely and more intensively than a Joint Committee could do, and is altogether more appropriate for the purpose.

5. Desirability of Congressional Review of Intelligence Activities.

a. The "foreign intelligence activities of the government" involve many departments and agencies in addition to CIA. In the US alone there are represented the State Department, the three Services and the Joint Staff, the AEC, and the FBI, while subcommittees of the JC include representatives of Agriculture, Commerce, (and others?). Unlike the existing Joint Committee on Atomic Energy, which deals almost wholly with one agency, the proposed Committee would have to deal with activities of many agencies which, for Congressional purposes, fall within the jurisdiction of other Congressional Committees. In any evaluation of the adequacy of State Department intelligence activities, the Committee would have to consider the departmental purposes which those activities serve, for the services the military purposes, and so on. The proposed Committee would thus find itself in almost continuous conflict of jurisdiction not only with the major committees that now oversee the CIA -- Armed Services, Appropriations, and Government Operations -- but with Foreign Relations (State), Judiciary (FBI), the Joint Committee on Atomic Energy (AEC), and perhaps others.

b. Should the Subcommittee confine its attention to CIA's intelligence activities it would, in fact, address itself to [redacted] the foreign intelligence activities of the government in terms of personnel or budgetary appropriations. Moreover the activities of CIA cannot be understood in isolation because its role is to contribute by its "services of common concern" to the work of each of the other intelligence agencies of the government and to draw together the work of all of them in the production of national i.e. agreed intelligence. Thus a thorough understanding of the intelligence structure as a whole is essential to any competent review of CIA's intelligence role.

c. Finally, any more intensive Congressional scrutiny of CIA than is now provided would, at a certain point, raise serious security questions and tend to impair the effectiveness of operations. This is particularly true of intelligence relations with friendly foreign governments (which are of course conducted under authority of the President; such relations,

particularly those with countries not formally allied to the U.S., depend on the understanding that they will be handled on the basis of absolute minimum access -- within CIA itself knowledge of them is held by only a few selected individuals. Apart from the increased danger of leaks from more people knowing, creation of the proposed Committee, with staff and other facilities, would in itself tend to create doubt abroad as to the security of U.S. handling of material handed over. In this respect intelligence relationships are more sensitive than any foreign relationship of AEC and than almost any foreign relationship of State.

**MEMORANDUM FOR:** The Executive Secretary of the National Security Council

**SUBJECT :** Proposed Legislation to Establish a Joint Committee on Foreign Intelligence

**REFERENCES :**

- A. S.2614 - H.R. 10000
- B. Letter to the Honorable Sherman Adams, Assistant to the President, from the Director of Central Intelligence on the subject, dated August 18, 1955
- C. Memorandum for the Director of Central Intelligence from the Executive Secretary of the National Security Council on the subject dated October 7, 1955

1. Reference C. requested that the Director of Central Intelligence submit to the National Security Council for consideration a report containing (a) an analysis of the proposed legislation to establish a Joint Committee on Foreign Intelligence, and (b) recommendations as to an administrative position.

2. Proposed Legislation

a. S.2614 "to establish a Joint Committee on Foreign Intelligence" (Annex I) was introduced in the Senate on July 22, 1955 by Senator Smith of New Jersey. This bill was referred to the Committee on Foreign Relations, the Chairman of which, Senator George, requested the views of the Central Intelligence Agency. These views were submitted to Senator George and were sent as an attachment to Reference B. (Annex II).

b. S.2614 proposes a Joint Committee on Foreign Intelligence of eighteen members, nine members each to be appointed by the President and the Senate and Speaker of the House of Representatives. The mission of the Committee would be to make continuing studies of all aspects of the foreign intelligence activities of the government. In addition the Director of Central Intelligence would be required to keep the Committee fully informed

of all activities of the CIA. The members of the Committee would report their findings to their respective houses. The Committee would have subpoena powers and would be empowered to employ such a staff as required.

e. S.2614 was introduced pursuant to a recommendation of the Hoover Commission on Organization of the Executive Branch of the Government. It is similar in most respects to several other bills on the same subject introduced in the last session of the Congress.

d. H.R.7504 introduced in the House on July 20, 1955 by Mrs. Church was the companion measure to S.2614.

e. S.Con.Res. 2 was introduced in the Senate on January 14, 1955 by Senator Mansfield (Annex III) and proposed the establishment of a Joint Committee on Central Intelligence composed of six members of the Senate and six members of the House with these six being chosen in each House three from the CIA subcommittee of the Committee on Appropriations and three from the CIA subcommittee of the Committee on Armed Services.

f. H.Con.Res.3 was introduced in the House on January 5, 1955 by Congressman Brownson (Annex IV) and proposed a Joint Committee on Central Intelligence composed of five members of the Senate and five members of the House.

g. H.Con.Res.28 was introduced in the House on January 17, 1955 by Congressman Zablocki (Annex V) and proposed a Joint Committee on Intelligence Matters to be composed of nine members of the Senate and nine members of the House. Similar measures were H.Con.Res.29 (Mrs. Kelly), 30 (Mr. Becker), 31 (Mrs. Buchanan), 32 (Mr. Carnahan), 33 (Mr. Davis), 34 (Mr. Doyle), 35 (Mr. Gordon), 36 (Mrs. Kee), 37 (Mr. Lanham), 38 (Mr. Norblad), 39 (Mr. Reuss), 40 (Mr. Sheehan), 42 (Mrs. Sullivan), 43 (Mr. Walters), 46 (Mr. Miller of California), 48 (Mr. Sikes), 52 (Mrs. Green of Oregon) and 53 (Mr. Holt).

h. H.Con.Res.41 introduced in the House on January 17, 1955 by Mr. Smith of Mississippi provided for a Joint Committee on Central Intelligence to be composed of six members each from the Senate and House, with two members each from the Committees on Appropriations and Armed in each House.

i. H.Con.Res.64 introduced in the House on February 3, 1955 by Mr. Boland made proposals similar to S.Con.Res.2 of Senator Mansfield.

j. H.J.Res.162 introduced in the House on January 24, 1955 by Mr. McCarthy proposed a Joint Committee on Information, Intelligence and Security (Annex VI) composed of nine members each from the Senate and House. This proposal would cover not only the "gathering of information and intelligence affecting the national security and its coordination and utilization by the various departments, agencies, and instrumentalities of the government," but also problems relating to the security program and the information program. It would specifically cover these aspects of the work of the CIA, USIA, and the Department of State and Defense.

### 3. Analysis of the Proposed Legislation

a. S.2614 proposes a joint committee of eighteen members. This is too large a number for any committee on intelligence. Even assuming complete discretion on the part of every member, the size of such a committee would undoubtedly affect the relations that the CIA must maintain with the intelligence services of other government. A leak or inadvertent disclosure concerning CIA's relations with other intelligence services could cost the United States government considerable valuable intelligence currently obtained from foreign services. *Sen. Mansfield has met the argument.*

b. The question should also be raised as to whether a joint committee would lessen the desire on the part of the standing Committees to exercise their jurisdiction over the CIA. This would apply to Armed

Services, Appropriations and Government Operations. It should be noted that S.Con.Res.2 (Senator Mansfield) attempts to anticipate this by providing for representation from Armed Services and Appropriations. However, one of the aspects of intelligence work that would be covered by any joint committee would be inter-agency cooperation and coordination. Any detailed examination by any joint committee into the activities, personnel or budget (all matters affected by coordination) of any other intelligence agency would immediately involve several other standing committees of the Congress. The Armed Services Committees have jurisdiction over G-2, Air Intelligence and Naval Intelligence; Foreign Relations has jurisdiction over Department of State intelligence activities, the Joint Atomic Energy Committee covers the AEC, and the FBI falls under Judiciary.

c. The question of any staff for a Congressional Committee on intelligence raises several problems. The very nature of a Congressional Committee Staff requires that it obtain and maintain an encyclopedic knowledge of the subject of interest to the Committee. There would be the immediate question of what files, of what classification and under what security conditions the staff would maintain.

*also 1 article (?)*  
d. The staff would have to spend considerable time with the CIA, and thus would inevitably obtain the most detailed knowledge of both sources and methods. *See in foreign press line* This would be sufficiently serious in the clandestine intelligence field assuming the usual changes in staff personnel with the changes in the majority in the Congress, but would have especially great implications in the psychological warfare field. Inasmuch as CIA's cold war activities are designed to further United States policy abroad, a Congressional Committee on intelligence would be in a position athwart the executive's implementation of foreign policy. The conduct of foreign



relations is a prerogative of the Chief Executive and such a Congressional review could well cause difficulties between the two branches of the government.)

e. An important aspect in the work of any Congressional Committee on intelligence -or CIA- would be the bearing it would have on the relations between the Congress and the President. The Central Intelligence Agency is a part of the Executive Office of the President. The CIA takes its direction from the National Security Council, of which the President is Chairman. The President has created the Operations Coordinating Board as a further mechanism for giving guidance to the CIA. Thus a Congressional Committee on CIA would in effect be reviewing many aspects of the work of OCB, and certain of the work of the NSC.

f. It should be recognized in analyzing any Joint Congressional Committee on Intelligence that the Central Intelligence Agency was established by law only in 1947. The Congress thus has had only eight years in which to arrive at a formula for dealing with a type of organization quite new in the United States government--a secret intelligence agency engaged in highly sensitive work. During the initial period of the Agency's existence, the Congress was inclined to leave it alone. As the work of the CIA increased in scope and magnitude, and attracted attention both at home and abroad, Congressional interest increased. Hearings before the House Appropriations Committee, general in nature during the early sessions of the Agency's existence, became more extensive and more detailed until in the 84th Congress the scrutiny of the CIA budget approximated that given less sensitive agencies of the government. *Not Manfield's*

g. Also during the 84th Congress the Armed Services Committee formalized its interest in the Central Intelligence Committee. The "Armed Services Committee Standing Orders" dated 1955/05/29, CIA-RDP71B00364R000600030034-2

"11. Within 30 days after the adoption of these standing orders there shall be appointed by the Chairman, to serve for the duration of the Congress, the following subcommittees, each subcommittee to consist of not less than two members at least one of whom shall be from the minority party. The duties of each subcommittee shall be as indicated herein. A member of the professional staff of the committee shall be assigned by the Chairman to assist each subcommittee, such staff assignments to be in addition to the staff members' other duties. "

Subcommittee on Central Intelligence Agency:

"To hold such meetings and briefings as are necessary to maintain familiarity with the operation of Section 102 of the National Security Act of 1947, as amended, and the Central Intelligence Act of 1949, and the policies and programs being carried out pursuant to those authorities, or being planned, and to provide a channel for liaison between the Central Intelligence Agency and the Senate Committee on Armed Services."

Subcommittee appointments listed January 28, 1955--Central Intelligence Agency: Messrs. Russell (Chairman), Byrd, Johnson of Texas, Bridges, and Saltonstall--March 4, 1955--Held Secret briefing.

While the Senate Appropriations Committee did not conduct as extensive or detailed hearings as the House on the CIA budget, as is natural, it has also reviewed the work of the Agency in each of the recent sessions. The same is true of the Armed Services Committee of the House. Thus, the two committees in each of the Houses that have a direct interest and jurisdiction over the CIA have given increased and more formal attention to its work. The CIA has also had dealings with the Committees on Government Operations of both Houses, the Committees on Post Office and Civil Service, Judiciary, Foreign Relations, as well as the Joint Committees on Printing and on Atomic Energy.

4. Recommendations as to an Administration Position

- a. That a joint Committee on intelligence or CIA would provide an additional unnecessary review of the work of the CIA;
- b. That the formally constituted subcommittees of the Senate Armed Services Committee and House Appropriations Committee provide the appropriate type of review mechanism for the Congress; and
- c. That such a joint Committee would constitute an encroachment on the conduct of foreign relations by the Executive.